

## ARTICLE I. - IN GENERAL

### Sec. 4-1. - Intent.

The intent of this chapter is to establish a policy for the city, in keeping with the vitality for which it is nationally recognized, and in order to enhance its aesthetic environment, to encourage private developers/owners of commercial properties to commission a piece of art for each new development or mall or structure or, in lieu thereof, to donate monies to the city for public art. The private developers/owners should be inspired to invest time, effort and money into the art displayed on their sites, recognizing that the art not only will become integral, lasting components of the cityscape but will be of intrinsic value to their developments. Further, the city, desiring to expand public experience and exposure to culture through various art forms and to enhance the appearance of public facilities and improve the environment of the city on behalf of its citizens, intends to provide for the incorporation of visual art in the design and construction of public facilities within the city.

(Code 1971, § 55-1; Ord. No. 8860-A, § 1, 4-18-85; Ord. No. 2000-227, § 2, 8-31-00)

### Sec. 4-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial structure* means any building or structure, all or part of which is to be used as an auditorium, private convention center, professional or commercial office, bank, private library (other than school), manufacturing plant, factory, assembly plant, processing plant, mill, warehouse, shopping mall, store, shop, market, hotel, storage building, freight depot, and private automobile parking structure which is not connected to or incorporated in other structures.

- (1) "Commercial structure" shall include that developmental project which involves more than one (1) phase of construction.
- (2) "Phase" shall mean that portion of a developmental project which represents a completed portion of the entire commercial structure.

*Construction costs* means the total value of the construction of, or reconstruction work on, commercial structures as determined by the chief building inspector in issuing a building permit for the construction or reconstruction. Relative to a municipal construction project, construction costs shall include architectural and engineering fees, site work and contingency allowances. It does not include land acquisition or subsequent changes to the construction contract. All construction costs shall be calculated as of the date the contract is executed.

*Municipal construction project* means any project to be paid for wholly or in part by the city, regardless of the source of the monies, to construct, remodel or reconstruct any public buildings, decorative or commemorative structures, parking facilities and parks, or any portion of any of such buildings, structures, facilities or parks, belonging to the city within its geographical boundaries as they now exist or shall exist in the future.

*Reconstruction* means alterations or repairs made to a commercial or municipal structure within any twelve-month period, which alterations or repairs exceed fifty (50) percent of the value of the existing structure, so that such structure is required to conform to the requirements for new buildings pursuant to chapter 5 of this Code.

*Works of art or artworks* means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, including but not limited to paintings, sculptures, stained glass, statues, bas reliefs, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains.

(Code 1971, § 55-2; Ord. No. 8860-A, § 1, 4-18-85; Ord. No. 89-07, § 1(55-2), 1-5-89)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 4-3. - Public art fund.

- (a) There is hereby created a public art fund which shall be a separate account set up by the city to receive monies appropriated for the public art program and shall consist of the following:
  - (1) One (1) percent of the construction cost of a municipal building project as bid, contracted and accepted by the city. Unexpended monies in this fund may be used for works of art at existing public properties and facilities as deemed appropriate by the public art committee as established in this chapter.
  - (2) All funds donated to the city by private developers/owners or by others.
  - (3) Other funds allocated by the city through the budgetary process.
- (b) The public art fund shall be used solely for the selection, commissioning, acquisition, installation, maintenance, administration and insurance of the works of art or in relation thereto; and such funds shall be administered by the mayor.

(Ord. No. 89-07, § 2(55-3), 1-5-89; Ord. No. 2000-227, § 3, 8-31-00)

**Cross reference**— Finance generally, § 2-231 et seq.

Sec. 4-4. - Appropriations of funds.

- (a) All appropriations for municipal construction projects shall include an amount of not less than one (1) percent of the construction cost of a municipal building project as bid, contracted and accepted by the city, but not to exceed the sum of two hundred thousand dollars (\$200,000.00) for any single municipal building project; provided that the public art committee may recommend to the mayor an increased expenditure for those projects of exceptional size or unique function, however, in no event shall the appropriation exceed one (1) percent.
- (b) The public art committee shall recommend to the mayor the amount of monies to be allocated for selection, commissioning, acquisition and installation of individual works of art to be incorporated as a part of the municipal construction project for which the monies were appropriated.
- (c) Monies appropriated pursuant to this section as part of one (1) such project but not spent in connection with the project may be utilized to supplement other appropriations for the acquisition of works of art or to place works of art in, on or near either city facilities which have already been constructed or city properties.

(Code 1971, § 55-4; Ord. No. 8860-A, § 1, 4-18-85; Ord. No. 89-07, § 3(55-4), 1-5-89; Ord. No. 2000-227, § 4, 8-31-00)

**Cross reference**— Finance generally, § 2-231 et seq.

Sec. 4-5. - Commercial construction participation.

- (a) Any private developer/owner who applies to the city for building permits to construct or reconstruct a commercial structure shall be encouraged to commit one (1) percent of construction or reconstruction costs up to but not limited to the sum of two hundred thousand dollars (\$200,000.00) to the provision of fine art in conjunction with such commercial structure.

- (b) Those private developers/owners constructing commercial structures, to be accomplished in phases, need contribute only one (1) percent of construction or reconstruction costs up to but not limited to two hundred thousand dollars (\$200,000.00) for the entire phased project.
- (c) If the private developer/owner constructing or reconstructing a commercial structure does not wish to have fine art in conjunction therewith, he may donate to the city an amount equal to the percentage of the construction cost of the commercial structure as a charitable donation.
- (d) Each building permit issued by the city to any such private developer/owner will include data relative to the private developer/owner participating in the public art program in the city.
- (e) Any building permit for construction or reconstruction of a commercial structure shall be reported to the public art committee.

(Ord. No. 89-07, § 8(55-11), 1-5-89; Ord. No. 2000-227, § 5, 8-31-00)

Sec. 4-6. - Ownership and maintenance.

- (a) Ownership of all works of art acquired by the city shall be vested in the city which shall obtain title to each work of art.
- (b) Artists, as a part of any contractual agreement with the city for the provision of a work of art, shall be required to submit to the public arts committee a "Maintenance and Inventory Sheet," including annual cost projections, which details the maintenance and ongoing care of the artwork.

(Ord. No. 89-07, § 9(55-12), 1-5-89)

Secs. 4-7—4-25. - Reserved.